

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA CRIM NO.: 97-00091 (JAF)

V.

ARMANDO BOREL BARREIRO
Defendant

MOTION TO AMEND OR CORRECT THE SENTENCE

TO THE HONORABLE COURT:

COMES NOW defendant, represented by the Marlene Aponte Cabrera, Esq.,
and respectfully STATES and PRAYS as follows:

1. Defendant was sentenced to a one year and one day sentence in the above captioned matter.
2. We hereby request that the sentence be amended or corrected to reflect that defendant is being sentenced to 364 days, that is, two days less than what he was originally sentenced to.
3. Should Defendant remain as sentenced to a year and a day, his permanent resident status would be adversely affected, since he is currently undergoing deportation proceedings.
4. Although at the present time, Cuban permanent residents convicted of crime are being "paroled" into the United States to allow them to continue living in the United States, Defendant would be forced to live in Costa Rica, since he gained legal status in such country when he first left Cuba.

5. At present, defendant has no ties whatsoever in Costa Rica, is gainfully employed in the State of Florida, his wife and son are American Citizens and his mother, who is of a very advanced age, is residing in Florida, unable to travel due to her fragile state of health.
6. Should this Honorable Court grant this request, defendant would be able to remain in the United States as a lawful permanent resident.

IN VIEW OF THE FOREGOING, we request this motion be granted.

RESPECTFULLY SUBMITTED.

s/Marlene Aponte Cabrera
MARLENE APONTE CABRERA, ESQ.
USDCPR 208603
MSC 128
SIERRA MORENA 271, LAS CUMBRES
SAN JUAN, PUERTO RICO 00926
Tel. (787)281-8488; 547-5999

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY**, that on this date, ~~September 20~~, 2005, I have filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
AUSA María Domínguez, Esq.

s/Marlene Aponte Cabrera
MARLENE APONTE CABRERA, ESQ.
USDCPR 208603
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